



Road Transport Forum NZ Submission Land Transport Rule: Setting of speed limits 2021

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June 2021

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1. Representation

- 1.1 Road Transport Forum New Zealand (RTF) is made up of several regional trucking associations for which the RTF provides unified national representation. RTF members include Road Transport Association NZ, National Road Carriers, and NZ Trucking Association. The affiliated representation of the RTF is some 3,000 individual road transport companies which in turn operate 16-18,000 trucks involved in commercial road freight transport, as well as companies that provide services allied to road freight transport.
- 1.2 The RTF is the peak body and authoritative voice of New Zealand's road freight transport industry which employs 32,868 people (2.0% of the workforce), and has a gross annual turnover in the order of \$6 billion.
- 1.3 RTF members are predominately involved in the operation of commercial freight transport services both urban and inter-regional. These services are entirely based on the deployment of trucks both as single units for urban delivery and as multi-unit combinations that may have one or more trailers supporting rural or inter-regional transport.
- 1.4 According to Ministry of Transport research (National Freight Demands Study 2018) road freight transport accounts for 93% of the total tonnes of freight moved in New Zealand.

2. Summary of key points

- 2.1 This new rule is recognised as taking a significantly different approach to speed setting compared to the previous rule. Despite the change in approach, we remain sceptical that road user submissions against a particular speed limit under the new framework will be any more successful than under the present model.
- 2.2 Speed setting is something of a coarse approach to safety management and is viewed as the low-cost option when measured against network improvements or safety improvement investments.
- 2.3 The multi-tiered decision process of the new rule has both pluses and minuses which we discuss further in the body of our comments. The biggest change, as we see it, is the removal of speed setting and speed reviews away from individual roads to a more network-based model. This should lead to better outcomes and more reasonable consideration of where speeds might justifiably be reduced.

- 2.4 RTF is opposed to the removal of a formal duty to consult the freight sector (being the CEO of the Road Transport Forum) as stated in the 2017 rule. Freight carriers are included in the general provisions of the new rule (overview page 19) but not the national organisation (being RTF) that represents their interests.
- 2.5 The recasting of speed limits around urban schools is acceptable in principle however, speed setting around schools in the rural environment requires a more sophisticated approach than the blanket option covered in the overview.
- 2.6 The introduction of the Waka Kotahi's independent speed management committee provides no opportunity for direct submissions or specific freight industry consultation and instead provides only for confirmation that this sector of road users has been consulted in the lead up process. We think that's inadequate given the sector's contribution to the National Land Transport Fund.

3. Introduction

- 3.1 The revised Land Transport Rule: *Setting of Speed Limits* 2021 departs considerably from the format and precision of the previous 2017 rule, reflecting the aspirations of the Road to Zero policy in terms of reducing death and serious injuries.
- 3.2 While the 2017 rule appeared reasonably acceptable as a speed setting policy guideline, it was clearly a document more suited to a different road safety policy environment than the 2021 draft which is tailored to the government's 2020 Road to Zero policy framework.
- 3.3 The 2017 rule did not envisage wholesale speed reductions across multiple roads in a single Road Controlling Authority (RCA) environment. The new draft accommodates that approach. That's not to say RTF agrees with multiple, or wholesale, speed reductions. We expect the new approach to moderate the obviously fragmented and often disconnected speed resetting of multiple roads in a single RCA, that at times by default included roads connected to one another.
- 3.4 The overview document, page 8, cites the Cabinet paper *Tackling Unsafe Speeds* and codifies three principal aspects applicable for setting the policy objectives for this new rule.
 - 1. Introducing a new regulatory framework for speed management to improve how RCAs plan for, consult on, and implement speed management changes
 - 2. Transitioning to lower speed limits around schools to improve safety and encourage more children to use active modes of transport

3. Adopting a new approach to road safety cameras (for example, cameras commonly referred to as “speed cameras” and “red light cameras”) to reduce excessive speeds on our highest risk roads.
- 3.5 In our submission we cover off these three points and also endeavour to follow some of the pre-formatted questions, but in the main, we will follow the outline and reference discussion in the overview document responding to the options accordingly. This is considerably easier approach than dissecting the rule draft clause-by-clause.
- 3.6 The rule is to be supplemented by a new Speed Management Guideline (overview page 9) to support the new speed setting process. This means the Speed Setting Rule is arguably a policy and process framework and for this reason, criticism of the broader policy underpinning it is justified, at least from RTF’s perspective.
- 3.7 One observation about this tight focus on reducing speed limits is that the recent reduction in the New Zealand Police’s road safety budget seems out of kilter with the government’s overall policy approach focussed on improving road safety outcomes.

4. General comments on the overall speed setting (reduction) policy

- 4.1 The RTF cannot ignore the concerns we have regarding the government’s implied reluctance to invest in long-term road infrastructure to improve the serviceability of the network and better outcomes for vehicle drivers in the event a crash does occur.
- 4.2 Moreover, commercial vehicle users and freight service providers are publicly berated by the government with comments, unsubstantiated by evidence, around the need to *remove unsafe trucks from the roads*.
- 4.3 The backdrop we see is heavy vehicle road user charges, ostensibly collected for road maintenance improvements, being used for other modes, at the expense of cars, buses and trucks and their subsequent safety on the road.
- 4.4 While the RTF recognises the objectives of having a formal speed setting policy framework is laudable, a worrying trend that appears to be gathering momentum is the need to reduce speeds rather than carry out network and route upgrades, especially when New Zealand roads are not without significant safety design deficits and functionality challenges.
- 4.5 Funding rail from the National Land Transport Fund (potentially to the detriment of road network improvements) also cannot be ignored.

- 4.6 The recasting of speed limits (lowering of speed limits) in this competitive financial funding context is a poor solution when compared to committing to a more robust road safety improvement programme.
- 4.7 The RTF, whose members businesses are entirely vehicle based, view the current lack of investment in roads for vehicles, and the subsequent lowering of speed limits to make roads “safe”, as a policy of death by a thousand cuts. It will result in higher costs, due to increased trip times, which will eventually impact all consumer goods.
- 4.8 Timeliness and the importance of the performance functionality of the road network as the conduit for freight traffic serving communities, appears to have evaporated from the agenda. That’s not to say safety and saving lives aren’t important, that’s a given. We are not legitimising driving at excess speed, but we would like to see some balance.
- 4.9 The fact that road freight services are extremely time sensitive and are absolutely necessary for social integration appears to have diminished considerably against a desire to appease the cycle fraternity and force New Zealanders out of cars.

5. The setting of speed limits rule 2021

- 5.1 A series of preformatted questions across four separate papers provide guidance for submitters. The RTF will cover some of the relevant aspects of these to keep our comments orderly.
- 5.2 **Should the new process replace the existing bylaw process?**
 - 5.2.1 In part, the change in the new process has some positive aspects, particularly the more unified approach to setting speed limits on a regional basis. We are not convinced the new approach is going to be a great deal different for external commentators, such as the RTF, as we are faced with large tranches of streets in some RCAs that are up for speed reviews.
 - 5.2.2 The Auckland situation comes to mind, where some 800 sections of road were in the initial tranche of speed limit reviews, and more recently around 1000 in the second tranche. There is simply no way it is possible to make meaningful comment on each and every one of the changes. The aggregated approach in the proposed rule relies on a “trust us we know what we are doing” approach, but the challenges for public commentators still exist.
 - 5.2.3 From an administrative aspect the bylaw system referred to is cumbersome but this could have been administratively streamlined

with experience.

- 5.2.4 The single repository for all speed limits should have been a national priority many years ago, so we now have the situation where every RCA will be playing catch-up.
- 5.2.5 The key going forward for reviews will be accessibility and availability of the correct data and speed information for any subject areas under discussion.
- 5.2.6 The RTF has had historical concerns with the present speed setting process. Often, by the time the changes are posted for comment, it appears the ability for submitters to have a draft speed limit amended when under consultation has little chance of success.
- 5.2.7 Submitting on speed limits has become almost an exercise in futility, however, we believe we should still have the opportunity to be part of the democratic process

5.3 Combining national and regional land transport plans

- 5.3.1 Combining the plans has some merit as the integration should result in better outcomes and improved consistency in terms of setting the applicable speed limits on a wider network basis.
- 5.3.2 However, the process is far from detailed and the oversight of Waka Kotahi, while being an essential component, raise issues of impartiality even with an independent speed management committee. With Waka Kotahi being responsible for such a large part of the administrative process, including the speed setting guidance for RCAs, providing both the guidance and setting timelines will be a fairly heavy demand.
- 5.3.3 One of the benefits of the new framework is the plans are set down for six years, with review every three years. This should provide road users some consistency and help avoid the fragmented approach there is now under the present speed setting process.

5.4 Joint consultation on speed management plans

- 5.4.1 This will be a challenge for commentators and submitters as the plans may present a different range of complexities than the present approach, especially where there are integrated speed changes for both state highways and local roads in the same plan frame.

5.5 **Blanket reductions to speed limits**

- 5.5.1 We are pleased to see the Q and As firmly rule out blanket reductions to speed limits, as well as suggesting the focus will be on high-risk roads only. It's noted that RCAs will have to investigate whether engineering improvements offer a comparable outcome. Our only concern with the Q and As in this section is the reference to strong community support that may predictably result in additional considerations, resulting in lower than necessary speed limits for some roads. Emotions can be a particularly strong driver for safety solutions and community campaigns can easily lose sight of logic, especially where the desire for change is driven by a local tragedy.
- 5.5.2 We can only hope the speed setting process can filter changes that are truly justified on technical or evidence-based grounds.

5.6 **The new speed management guide**

- 5.6.1 This is a critical component of the new system the content of which will embody the technical criteria necessary for setting a speed limit. This is an aspect that is critical to both the speed management plan process and reference to it appears in relation to the transitional provisions set out in the consultation overview paper pages 10-11.
- 5.6.2 **Content of Rule; Guidance for plans overview; page 11**
- 5.6.2.1 The bullet pointed section of the overview paper sets out criteria for the plan, covering a wide range of attributes including any changes to speed limits, safety camera deployments, and safety infrastructure changes.
- 5.6.2.2 Also, worth noting is the speed treatments around urban schools and considered separately, rural schools, with variable limit options in the case of each. The approach outlined seems reasonable enough but we have some comments on this aspect. Given that these changes are one of the required, or mandated aspects of the new rule, they may well fit with a majority of the public opinion.
- 5.6.2.3 The consultation document, typically the overview document, also seeks comment on a further range of details, some of which we will duly comment on including:
1. A new process for setting an emergency speed limit, which involves registering the speed limit
 2. Consideration of 70 and 90 km/h speed limits and making these speed limits more widely available, either permanently or for an interim (three-year) period

3. Removing the requirement for RCAs to seek Waka Kotahi approval before setting variable speed limits
4. Changes to minimum length requirements over which a speed limit may be applied
5. Changes to the way 'mean operating speed' is considered when setting a speed limit

5.7 The proposed changes

5.7.1 **Proposal 1 - Speed management plans, page 10**

This section lays out the planning approach in some detail and is largely aimed at RCAs and principles applicable to each plan. We have commented on this part within the context of our comments above. This section also covers the transition process to the new framework, providing guidance on development of interim plans.

- 5.7.1.1 The discussion is largely applicable to the RCAs involved in the administration process of setting the speed management outcomes, utilising both the applicable regional transport committee and road controlling authority.

- 5.7.1.2 It is obvious the transfer of the details to the new register is an imperative to keeping everything in a single accessible repository. From our perspective, it's difficult to qualify the quality of the transition process but in reality, we would expect there to be enough checks and balances to ensure the interim process remains robust.

5.7.2 **Roles in the development of regional speed plans page 12**

- 5.7.2.1 The roles for the RTCs and RCAs in the formation of speed management processes are documented to the extent that official representative numbers of participants are covered as well. Page 13 gives guidance to the scope of consultation with other interested parties, citing separate consultation with Maori interests including their cultural interests as one specific.

- 5.7.2.2 What's missing is there is no specific requirement to consult directly with any of the motoring interest groups, or the commercial road users, as is the case with present rule.

- 5.7.2.3 It appears on the face of it, representative groups such as the RTF, that are likely to have significant interest in the consultation process, are defaulted to the *any others*. RTF finds this approach unacceptable given the decisions that might be made could have measurable economic impacts for both businesses using the road and the general community consuming goods being transported.

5.7.3 **Proposal 2 - Alternative process for setting speed limits; page 15**

- 5.7.3.1 This is a relatively practical approach to managing exceptions to the orthodox system for managing speed limit changes and as such, we have no comment to make on this section of the overview.

5.7.4 **Proposal 3 - Formal certification of speed management plans; page 16**

- 5.7.4.1 What is outlined is confirmation of the process. This a relatively important step in the regulatory framework, especially when an established speed limit is subject legal contestability. We support this independent check.

5.7.5 **Proposal 4 - Speed limits must be entered into register; page 17**

- 5.7.5.1 This section confirms the cessation of the bylaw system and introduction of the register, including information that must be recorded on the register giving legal effect to the registered speed. This is largely an outline of an administrative process.

- 5.7.5.2 It is promising to see the register will be able to accommodate temporary speed limits sometime in the future.

5.7.6 **Proposal 5 - Establishment of an independent speed management committee; page 19**

- 5.7.6.1 We have covered this topic off already. This group set up under Waka Kotahi is the oversight committee. While the members are expected to have skills and experience in the setting of speed limits and the relevant impact on various road user communities, there appears no formal role for road freight interests. The only reference is an oblique acknowledgement that members are expected to have knowledge of speed management impacts on freight carriers.

- 5.7.6.2 In the RTF's view this is entirely inadequate. Somewhere in the new system there needs to be some avenue for the various interest groups to make formal submissions on the changes proposed, beyond the RCA initial consultation level. The independent review committee should be exposed to those submitters and their arguments, more especially if there are compelling reasons why an RCA has not articulated sector opposition to some aspect of the changes proposed.

5.7.6.3 We accept our approach might prolong the process but in the vein of ensuring the procedural fairness, we believe it is worth considering.

5.7.7 **Proposal 6 - speed limits around schools; page 20-21**

5.7.7.1 The overview explanation relating to speeds around schools is sufficiently well detailed to suggest the provisions proposed in respect of urban schools are acceptable, even though they change the present limits.

5.7.7.2 The key to acceptability is the timeframes when these limits apply, though the variable speed sign limits only apply during selected times termed "school travel periods".

5.7.7.3 Interestingly, image 1 page 21, shows a road treatment using a chicane model to reinforce more moderate speed behaviours around the school entry points.

5.7.7.4 This approach reflects the *self-explaining roads* concept that seems to have fallen from favour.

5.7.7.5 In respect of urban schools, most appear to already have appropriate speeds in the wide vicinity of their entrance zones.

5.7.7.6 Whether the rural limit, being a default approach, moderates speeds past the school is a question that remains unanswered, especially if the environment doesn't suggest the lower speed is applicable. The text on page 21 alludes to this, suggesting RCAs give wider consideration to speed management planning around rural schools, instead of simply confining the revised speed to the road immediately outside the school entrance.

5.7.7.7 This approach appears to foreshadow more active modes of travel for rural school attendees, but we are not convinced cycling and walking in the rural environment, irrespective of how much these modes are promoted, will ever be a realistic scenario. The consolation is the use of the variable speed signage, which during school travel times provides a more realistic scenario.

5.7.7.8 It seems motorists and vehicle users are simply to be penalised by a speed policy approach where the evidence supporting the decision cannot be entirely substantiated.

5.7.7.9 While the set speed approach suggested by the overview discussion may appear justified, many rural schools have drop off locations and points of entry that are clear of the traffic carriageway. We have to question the justification for the single speed threshold

(despite the use of the variable speed option) to speed setting outside these school facilities.

- 5.7.7.10 We are of the view the speed management approach around rural schools needs to be better tailored for the environment and actual situation, as opposed to simply accepting either of the two documented default options suggested.

5.7.8 **Proposal 7 - Temporary and emergency speed limits; page 22**

- 5.7.8.1 The new rule is essentially preserving the status quo with respect to temporary speed limits and sets a framework process for emergency speed limits and their recording in the speed limit register and subsequent removal from the register. We have no comment on this section.

5.7.9 **Proposal 8 - Approval to use certain speed limits; page 23**

- 5.7.9.1 This overview section provides for RCAs to use 70 and 90 km/h limits. Once again, this use would depend on Waka Kotahi's guidance. What is especially useful is the possibility these speed limits used as an interim measure would allow RCAs time to implement infrastructure improvements to support the current limit. What's not appealing is the use of the interim approach for reducing speed limits.
- 5.7.9.2 As the dominant road user charges payer, the RTF sees the competition for funding from the National Land Transport Fund eroding the capacity to carry out roading improvements and safety upgrades. We suspect this will inevitably mean any opportunity of raising speed limits through infrastructure investments will be simply overlooked in favour of reducing speed limits, the cheap option.

5.7.10 **Proposal 9 - Use of variable limits; page 23**

- 5.7.10.1 The use of variable speed limits is positive and the bullet pointed options being circumstance dependant are well documented. The provision supporting greater flexibility regarding the deployment of these is also supported. A critical aspect will be maintaining national consistency, a point recognised in the discussion under this proposal.

5.7.11 **Proposal 10 - Speed limit areas; page 24**

- 5.7.11.1 The concept of speed limit areas is well understood. A disturbing feature outlined in the text, is RCAs being able to reduce speeds

down to 30km/h within a broader 40km/h area. We question whether this approach is an effective safety solution. From simple observation, very few vehicles even within a designated 30km/h travel at that speed, other than buses. The finely granulated approach to speed setting in an environment with few self-explaining cues is a recipe for non-compliance. Too many RCAs have adopted the 30km/h limit with too little supporting empirical evidence, having elected to reduce speeds because the speed setting guide says they can.

5.7.12 Proposal 11 - Other proposals; page 24

- 5.7.12.1 This section of the overview alludes to a range of options. The first proposal is supported by the RTF. This proposal allows Waka Kotahi to override and RCAs speed setting decision and it shall remain unchanged for five years.
- 5.7.12.2 The second option concerns speed limits and various conditional aspects related to those limits.
- 5.7.12.3 The third option relates to Waka Kotahi providing RCAs with mean operating speeds when setting speed limits within a speed limit plan. The difficulty we have is the mean can be distorted by high or low values and we would argue the median is a more reasonable assessment of the relative speeds typical of the use of roads.

6. Concluding comments

- 6.1 A number of changes presented in this rule rewrite are positive and create an expectation of a more balanced speed setting outcome but in another sense, we believe the consultation framework with industry and road users on proposed new speed limits is inadequate, when compared to the 2017 process.
- 6.2 We would seek to have RTF involvement in the consultation process codified in some way, so as to provide confidence that road user views are fairly represented. The wider freight industry is a significant contributor to the National Land Transport Fund and, as we would expect with other vehicle related road user groups, its views should be considered accordingly.